

**Enrolled Minutes of the Fifty-fourth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, February 10, 2014**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, February 10, 2014 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Konnie Kuiper and Bernie Zemen were present. Councilor Dennis Adams was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council and the Redevelopment Director discussed a place based grant that had among its requirements the participation of a partner, which was the South Shore Convention and Visitor's Authority. It was noted that the South Shore Convention and Visitor's participation was conditioned on the local contribution of \$3,000 from the Innkeeper Tax Fund. The purpose of the grant is to retrofit and rehabilitate the marquis to the Town Theater. No Town Councilor expressed any apprehension or objection to the grant or the local contribution.
3. The Town Council discussed closing of Highway Avenue to support a car show and in relation to a request made by Randy Conn, Owner-Operator of McDonald's 10326 Indianapolis Boulevard, supporting the "Mc Legends Event" and the related Pub based activity.

The study session ended at 7:10 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 10, 2014 at 7:11 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Konnie Kuiper and Dan Vassar. Councilor Dennis Adams was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also present: Steve Mileusnich of the Advisory Board of Zoning Appeals; Ed Dabrowski IT Director (Contract); Mike Pipta, Facilities Supervisor; and Randy Bowman, Assistant Inspector for Electrical, were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of January 27, 2014 were approved by general consent.

Staff Reports:

- **Building & Inspection Report for January 2014**

The January report would be filed at a future time.

• **Building & Inspection Report for December 2013**

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	7	0	7	\$232,138.00	\$4,181.00
Signs:	6	0	6	\$20,480.00	\$1,750.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	131	131	0	\$676,335.00	\$12,073.00
Garages:	2	2	0	\$29,662.00	\$732.00
Sheds:	1	0	1	\$2,500.00	\$276.50
Decks & Porches:	1	1	0	\$1,800.00	\$181.00
Fences	5	5	0	\$20,730.00	\$563.00
Swimming Pools	0	0	0	0	\$0.00
DrainTile/ Waterproofing	1	1	0	\$7,262.00	\$150.00
Misc.	2	2	0		\$230.50
TOTAL:	156	142	14	\$990,907.00	\$20,137.50
Electrical Permits	12	9	3		\$1,050.00
Mechanical Permits	6	5	1		\$477.00
Plumbing Permits	7	5	2		\$715.75
Water Meters	1	1	0		\$230.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	8	6	2		\$945.75

November Code Enforcement:

Investigations: 162
Citations: 16

November Inspections:

Building: 34 Electrical: 28 Plumbing: 10 HVAC 6
Electrical Exam: 1

• **Fire Department Report for January 2013**

This report would be provided at a future time.

• **Workplace Safety Report for January 2014**

There were four incidents. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2014	Total in 2013	Restricted Days 2014	Lost Workdays This Year (2014)	Restricted Days Last Year (2013)	Lost Workdays Last Year (2013)
Parks	0	0	2	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	1	1	8	0	0	0	0
Street	1	1	4	0	0	43	0

Water & Sewer	0	0	3	0	0	10	0
Maint.	1	1	0	0	0	0	0
Other	1	1	4	0	0	0	0
TOTALS	4	4	22	0	0	149	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments (May be made in meeting or at another time)

(Appointments have been placed on agenda in case there is readiness to act)

Legislative Appointments

Home Rule Commissions

1. **Community Events Commission:**

(2) appointments to be made by the Town Council. **Term: 4 years.** (Note: Currently serving, John Breslin, Liz Breslin)

(8) appointments to be made by the Town Council. **Term: 1 year.** (Note: Currently serving, Maria Culbertson, Phillip Culbertson, Brandon Wolak, Ericka Rozenich Wolak, Kelly Bridges, Adam Nyiri, Fiona Culbertson, and one vacancy)

Councilor Herak moved, seconded by Councilor Kuiper the appointment of *Kelly Bridges*, 2939 Strong Street, Highland to succeed John Breslin, to the position he was vacating for a four-year term; and the one-year term appointments of *Maria Culbertson, Phillip Culbertson, Fiona Culbertson*, 3118 Ridge Road, Highland; *Brandon Wolak, Ericka Rozenich-Wolak*, 3836 Highway Avenue, Highland; *Adam Nyiri*, 8952 Cottage Grove Avenue, Highland; *Rose James*, 3338 LaPorte Street, Highland; and *Elmo Parlor*, 3044 Duluth Street, Highland. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The persons were all appointed to the Community Events Commission.

2. **Town Board of Metropolitan Police Commissioners (2)** appointments to be made by Town Council. (Note: currently serving James Turoci (D) and vacancy/unexpired term of Dennis Adams (D))

Councilor Zemen moved the appointment of *Steve Jurczak*, 2547 Wicker Avenue, Highland, to fulfill the unexpired term of Dennis Adams on the Town Board of Metropolitan Police Commissioners. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and one negative. With Councilors Zemen, Kuiper and Vassar voting in the affirmative and Councilor Herak voting in the negative, the motion passed. Steve Jurczak was appointed.

With Leave from the Town Council, The Town Council President presented a plaque to Councilor Zemen for his service as Town Council President.

Unfinished Business and General Orders:

1. Consideration of the Compliance with the Statement of Benefits as filed and represented by Bell Parts Supply, Inc., 2609 45th Avenue, Highland. At its meeting of April 28, 2008, the Highland Town Council approved Bell Parts Supply's application for property tax abatement upon the increase in assessed value in consequence of construction of a new building addition and façade improvements at 2609 Forty Fifth Street, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. This represents the fourth review of compliance for this property. The Town Council conducted its first review at its meeting of February 28, 2011, its second at its

meeting of February 27, 2012 and its third on February 25, 2013. The Town Council found the applicant in compliance at each meeting.

Councilor Herak moved that it be found and determined that the Compliance Statement filed by Bell Parts Supply also known as Reliable Parts, 2609 45th Avenue, Highland, Indiana, is in compliance and that the tax abatement remain in effect. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The tax abatement would remain in effect.

2. **Resolution No. 2014-06:** A Resolution Authorizing a Temporary Interfund Loan or Transfer to the Corporation Bond and Interest Fund, Pursuant to IC 36-1-8-4.

Councilor Herak moved the passage and adoption of Resolution No. 2014-06. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
RESOLUTION NO. 2014-06

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 OF THE INDIANA
CODE

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Non-Exempt Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy Day Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of \$42,197.54 be borrowed for **Corporation Non-Exempt Bond and Interest Fund** with the amount of \$42,197.54 to be loaned by the **Corporation Bond and Interest(Non-Exempt) Fund**;

Section 2. That said loan in the amount of \$42,197.54 be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Non-Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2014, subject to IC 36-1-8-4(b).

Duly Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 10th day February 2014. Having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Resolution No. 2014-07:** A Resolution Expressing the Sense of the Town Council in Opposition to the Proposed Elimination of Business Personal Property from the Property Tax Base.

Councilor Herak moved the passage and adoption of Resolution No. 2014-07. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

HIGHLAND TOWN COUNCIL
Resolution No 2014-07

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING OPPOSING the
ELIMINATION OF BUSINESS PERSONAL PROPERTY FROM THE PROPERTY TAX BASE.

WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and

WHEREAS, Governor Mike Pence has proposed eliminating the Business Personal Property Tax as the top priority of his 2014 legislative agenda; and

WHEREAS, Business Personal Property Tax collections statewide for 2012 totaled \$1.04 billion, including \$109 million in Lake County which represents 17.5 percent of Lake County's property tax revenue; and

WHEREAS, Cities and towns in Lake County would lose an estimated \$32 million and schools in Lake County would lose \$37 million; and

WHEREAS, The Town of Highland has Business Personal Property assessed at about \$41.638 million the loss of which would require a tax shift by a revised property tax rate of \$ 1.0105 per \$100 of assessed value, up from a pay 2013 rate of .9694 per \$100 of assessed value, resulting in the potential tax shift to residential and other non- commercial taxpayers of over \$400,000 to the Town of Highland; and

WHEREAS, The only entity that has the fiscal capacity to equitably replace any loss owing to the severe tax shift is the State of Indiana; and

WHEREAS, An article in the December 4, 2013 issue of Crain's Chicago Business shows that in spite of everything being done by our current and previous governor to make Indiana more 'business friendly' by reducing or eliminating other business taxes, Indiana lost 254 jobs to Illinois in 2012, indicating that reductions in taxes is not an effective way to attract jobs to Indiana; and

WHEREAS, Businesses which are currently 'capped out' on their property taxes would see no reduction in their tax payments from the reduction or elimination of the Business Personal Property Tax; and

WHEREAS, The proposed plans to reduce the Business Personal Property Tax make no mention of any corresponding tax increase to offset the losses to counties, cities, towns and schools; and

WHEREAS, The reduction or elimination of the Business Personal Property Tax would inevitably result in an across-the-board hike in real property tax rates, representing yet another transfer of the tax burden from businesses to individuals and disproportionately affecting homeowners in communities like Highland where the typical residential taxpayer isn't 'capped out'.

WHEREAS, The Town of Highland, was incorporated to provide certain public services to the residents of this community, all of whom are also residents of this state, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their elected representatives and in some cases apply to the proper officers of the state for redress of grievances, all for the betterment of government; and

WHEREAS The Town of Highland by and through its elected officers wishes to offer a distinct, public expression on the public import of this matter,

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana that it is the *sense of the Town Council of Highland*, as follows:

Section 1. That it is the Sense of the Town Council of the Town of Highland that the Indiana General Assembly should pass no legislation that would reduce or eliminate the Business Personal Property Tax;

Section 2. That it is the Sense of the Town Council of the Town of Highland that should any legislation providing for the reduction or elimination of the business personal property tax pass, that all revenue loss or burden shift be prevented by the guarantee of an equal replacement of all loss borne only by a State based remedy;

Section 3. That it is the Sense of the Town Council of the Town of Highland that the State based remedy described in the previous section, in the interest of equity and fiscal justice entirely exclude an additional local, or regional enacted revenue measure as the proffered remedy for any tax dislocation from the elimination of the business personal property tax;

Section 4. That it is the further sense of the Town Council that the Town Clerk-Treasurer be hereby instructed to transmit and forward this resolution to the proper officers of the State of Indiana including the Governor, the Speaker of the Indiana House of Representatives, the President Pro Tempore of the Indiana State Senate, as well as selected members of the Indiana House and Senate, to inform their deliberation and to such other parties or agencies that may be interested, and to encourage those persons to evidence their strong desire to see the objects and purposes of this "Sense of the Council Resolution" achieved.

DULY RESOLVED and ADOPTED this 10th Day of February 2014 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA
Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Town Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1511 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

4.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$400.00, for work associated with Highland Grove Mall Special Security, in month of January 2014.

Councilor Kuiper moved to approve the overtime payment of the exempt salaried supervisory personnel as requested. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The overtime pay for the exempt salaried officer was approved.

Comments from the Town Council Members (For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Liaison • Liaison to the Board of Waterworks Directors.*

Councilor Zemen expressed appreciation to the public workforce for its work during the recent heavy snows and blizzard-like conditions.

Councilor Zemen also commended his radio program broadcast on local radio station WJOB 1230 AM on Tuesday at 8:30 a.m.

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak expressed condolences to the family of Munster Fire Chief and Operations Director, James Knesek, who recently deceased.

Councilor Herak recognized the Parks and Recreation Superintendent who provided a cursory survey of park programs conducted the prior year. He also noted that the Park and Recreation Board would be conducting a hearing on its proposed Master Plan.

Councilor Herak acknowledged the Public Works Director who reported on the activities of the Waterworks District, the Sanitary District and the Street Division.

Councilor Herak also commended the Police Chief for his birthday.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper acknowledged the Metropolitan Police Chief who reported briefly on matters involving the Traffic Safety Commission.

Councilor Kuiper acknowledged the Fire Chief who offered a brief report of the Emergency Response Committee being convened to monitor the exigencies during the extreme weather.

- **Council President Dan Vassar:** • *Municipal Executive* • *Chairman of the Board of Trustees of the Police Pension Fund (1925 Law)* • *Redevelopment Commission Liaison.*

Council President Vassar expressed condolences to the family of Munster Fire Chief James Knesek as well. He noted that his brother, Mark, serves on the Highland Board of Sanitary Commissioners.

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going redevelopment activities, and noted that the Redevelopment Department was a recipient of a Livable Community Grant conferred by the Northwestern Indiana Regional Planning Commission.

Comments from Visitors or Residents:

1. Nathan Cox, 3130 Highway Avenue, Highland, complained about his vehicle being towed during the snow event. He expressed concern that he was inappropriately selected in the enforcement.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period December 24, 2013 through February 10, 2014 as well as the payroll dockets for the paydays of December 27, 2013, January 10, 2014 and January 27, 2014. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$376,812.11; Motor Vehicle Highway and Street (MVH) Fund, \$108,776.85; Law Enforcement Training and Supply Fund, \$941.15; Corporate Bond and Interest Fund (EXEMPT), \$60,388.81; Corporate Bond and Interest Fund, \$310,282.36; FSA Agency Fund, \$1,129.38; Insurance Premium Fund, \$241,941.86; Gasoline Fund, \$27,870.17; Information and Communications Technology Fund, \$5,959.68; Civil Donation Fund, \$566.27; Special Events Non Reverting Fund, \$116.35; Rainy Day Fund, \$808,713.93; Municipal Cumulative Capital Development Fund, \$2,395.55; Traffic Violations and Law Enforcement Agency Fund, \$8,000.00; Total: \$1,993,696.46.

Payroll Docket for payday of December 27, 2013 Annual Holiday Longevity Payments:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$90.00; Building and Inspection Department, \$130.00; Metropolitan Police Department, \$420.00; Fire Department, \$210.00; Public Works Department (Agency), \$350.00; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$1,200.00.

Payroll Docket for payday of January 10, 2014:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$13,820.46; Building and Inspection Department, \$6,497.10; Metropolitan Police Department, \$107,523.55; Fire Department, \$2,848.13; Public Works Department (Agency), \$73,290.58; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$203,979.82.

Payroll Docket for payday of January 24, 2014:

Council, Boards and Commissions, \$8,119.00; Office of Clerk-Treasurer, \$14,790.33; Building and Inspection Department, \$7,426.57; Metropolitan Police Department, \$98,806.55; Fire Department, \$22,502.86; Public Works Department (Agency), \$72,086.00; and 1925 Police Pension Plan Pension Fund, \$63,239.63; Total Payroll: \$286,970.94.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 10, 2014 was adjourned 7:37 O'clock p.m. No study session followed the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer